THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.21609 of 1997

Dated 20-02-2007

Between:
P.Sriramulu & others.

..... PETITIONERS

AND

The Managing Director, APSRTC, Musheerabad, Hyderabad & others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.21609 of 1997

O R D E R:

In this writ petition, the action of the second and third respondents in recovering the amounts from the salaries of the petitioners is questioned as arbitrary and illegal.

The second respondent is the Secretary of the A.P.S.R.T.C. Employees' Thrift & Credit Cooperative Society Limited. The petitioners, who are employees of the A.P.S.R.T.C., question the proceedings of the second respondent dated
30-04-1997, whereby they were informed that Sri P.Nagaiah had drawn a long term loan on 12-09-1995 and was still due a sum of Rs.93,285/- as on date, that the recoveries towards the long term loan were not made since he was removed with effect from 03-04-1997 and since they stood as sureties towards the long term loan drawn by Sri P.Nagaiah, they should contact the borrower and arrange towards the payment of arrears of the loan in full within one month and in any event, if the borrower fails to repay the loan within that period, the entire long term loan balance would have to be paid as per the agreement entered into by them jointly with the borrower.

The second respondent, the Thrift & Credit Cooperative Society Limited, is not an instrumentality of the State. In any event, the dispute is purely contractual in nature and is in the realm of private law. In such matters, this Court, would, not, ordinarily, exercise its discretion and interfere in proceedings under Article 226 of the Constitution of India. Both on the ground that the second respondent is not an instrumentality of the State under Article 12 of the Constitution of India and as the dispute raised in this writ petition

is contractual in nature, for which, the proper remedy is to invoke the civil Court of competent jurisdiction and not the remedy under Article 226 of the Constitution of India, the Writ Petition fails and is accordingly dismissed. Needless to state that this order shall not preclude the petitioners from availing such remedies, as are available to them, in law. No order as to costs.

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20-02-2007

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